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Dkt. No. 92750/58

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Arie Pieter Otte

Serial No. : 09/762,916

Filed : June 29, 2001

For : METHOD OF DETECTING A DNA SEQUENCE,
A DNA SEQUENCE, A METHOD OF MAKING A
DNA CONSTRUCT AND THE USE THEREOF

Art Unit : 1636

Examiner : Terry Alan McKelvey, Ph.D.

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1.10 on the date indicated above and is addressed to
the Commissioner for Patents, Washington, D.C. 20231.Name: Alan D. MillerSignature: [Signature]COMMUNICATION IN RESPONSE TO FEBRUARY 24, 2003 OFFICE ACTION
AND PETITION FOR A ONE MONTH EXTENSION OF TIMECommissioner for Patents
Washington, D.C. 20231

April 4, 2003

Sir:

This Communication is submitted in response to the Office Action issued on February 24, 2003 in connection with the above-identified application. A response to the February 24, 2003 Office Action was due on March 24, 2003. Applicant herewith petitions for a one month extension of time in which to respond to the February 24, 2003 Office Action. The fee for a one month extension of time for a small entity is \$55.00 and a check in this amount is enclosed. With a one month extension of time, a response to the February 24, 2003 Office Action is due April 24, 2003. Accordingly, this Communication is being timely filed.

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Election of Species Requirement

In the Office Action, the Examiner stated that the subject application contains claims directed to more than one species of the generic invention and that these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner stated that applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable and that the reply must also identify the claims readable on the elected species. The Examiner requested that applicant pick one species from the following, for example: DNA sequence that is recognized by a heterochromatin-binding protein comprising HP1, DNA sequence that is recognized by a complex comprising a Polycomb-group protein, DNA sequence that is recognized by a complex possessing a histone deacetylase activity, DNA sequence that is recognized by a protein complex comprising MeCP2, DNA sequence that is recognized by LexA, and DNA sequence that is recognized by Gal4.

In response to this requirement, applicant elects, with traverse, the species "DNA sequence that is recognized by a heterochromatin-binding protein comprising HP1." Applicant maintains that the pending claims form a single inventive concept and that all claims are readable on the elected species.

↓ wrong - claims 39-42 are drawn
to diff species, maybe others

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Conclusion

No fee, other than the enclosed \$55.00 fee for a one month extension of time, is deemed necessary in connection with the submission of this Communication. However, if a fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

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Dated: April 4, 2003
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By



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